

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DAVARIUS LAVALLE RIGGINS,

Plaintiff,

v.

J. JONES,

Defendant.<sup>1</sup>

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ORDER

19-cv-346-jdp

Plaintiff Davarius Lavalle Riggins alleges that defendant J. Jones, an officer in the University of Wisconsin Police Department, illegally searched Riggins's car and arrested Riggins. After screening Riggins's complaint, I granted Riggins leave to proceed on Fourth Amendment claims against Jones under 42 U.S.C. § 1983. Dkt. 8.

Now, Jones moves to stay Riggins's lawsuit. Dkt. 13. Riggins faces criminal charges in the Dane County Circuit Court based on the arrest at the center of this lawsuit. *See State v. Riggins*, Dane County Case No. 2019CF294. The outcome of both this case and Riggins's criminal case may hinge on whether Jones's search of Riggins's car violated the Fourth Amendment. So if I determine that the search was unlawful in Riggins's action for damages, that ruling could conflict with a ruling on the same question in his criminal case.

Federal courts should generally abstain from issuing orders that would interfere with ongoing state criminal proceedings. *Younger v. Harris*, 401 U.S. 37, 45 (1971). *Younger* concerns a request for an injunction against state criminal proceedings, but its reasoning applies to cases like this one in which the plaintiff seeks merely damages, not an injunction. *Simpson v. Rowan*,

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<sup>1</sup> I have updated the caption to reflect the dismissal of the other defendants named in Riggins's complaint in my screening order, Dkt. 8.

73 F.3d 134 (7th Cir. 1995). So I will close Riggins's case while his criminal case is pending. Riggins may move to reopen this case after the conclusion of his state criminal proceedings, including his appeals and any relevant state collateral review proceedings. *See id.* at 139.

ORDER

IT IS ORDERED that this case is CLOSED pending final resolution of plaintiff Davarius Lavalley Riggins's state criminal proceedings in *State v. Riggins*, Dane County Case No. 2019CF294.

Entered October 31, 2019.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge